



# Welfare and health benefits

What are welfare benefits?

Welfare benefits are given by the UK government to help certain people with low income or to meet certain needs. Most are defined as 'public funds' in the Immigration Rules.

Can I claim welfare benefits?

If you enter the United Kingdom as an international student and if you are not a national of a European Economic Area country, it is a condition of your stay that you must be able to accommodate and support yourself (and any dependants) without recourse to public funds (see Box A below).

If you try to claim any of these benefits, it is unlikely that you will be successful if you are on limited leave with 'no recourse to public funds' (this is stamped in your passport). There is limited provision if your funds from abroad are temporarily disrupted - see next paragraph.

What if I have temporarily run out of money?

If you are on limited leave with a 'no recourse to public funds' condition, you can claim short-term benefits (urgent cases payments) for up to six weeks from the local Benefits Agency office, but only in an emergency. These urgent cases payments are made under Income Support Regulation 70(2A). You can also claim Housing Benefit and Council Tax Benefit under the same qualifying conditions - see Box B on next page. This is an exception to the normal rules and you are allowed to claim these three benefits, even while studying full-time.

If you satisfy the qualifying conditions in Box B, you will not be subject to the 'habitual residence test' (most other claimants have to show that they are habitually resident in the UK or Channel Islands or Isle of Man or Ireland).

**BOX A**

**Public funds are:**

**(a) the main income-related benefits:**

- Income Support
- Jobseeker's Allowance (income-based)
- Housing Benefit
- Council Tax Benefit

**(b) the disability and carer benefits:**

- Working Families Tax Credit
- Disability Living Allowance
- Attendance Allowance

- Invalid Care Allowance
- Severe Disablement Allowance
- Disabled Persons Tax Credit
- Child Benefit

**(c) housing provided by a local authority:**

- Housing as a homeless person
- Council Housing (but if you live in 'hard to let' Council housing through arrangements made between the institution and the local authority, this is not a recourse to public funds)

**BOX B****Temporary disruption of funds**

You can make a claim for Income Support if:

- you are on limited leave with no recourse to public funds
- your funds usually come from abroad
- there is a temporary disruption of your funds
- it is reasonable to expect the funds to resume
- you have been financially self-supporting during your stay up until now (other than similar urgent cases claims - but you can only claim for a maximum of 42 days altogether)

If your claim is successful, for a maximum of 42 days (six weeks) you will get:

- 90% of the adult personal allowance for you and your partner
- children's personal allowances (in full)
- any premiums (in full)
- Housing Benefit- if you pay rent, unless you live in halls of residence
- Council Tax Benefit - if you are liable for council tax payments

What about benefits which do not count as public funds?

Applying for benefits which are not public funds will not, generally, affect your immigration status. These are mainly benefits, however, which you might not be entitled to claim for other reasons. For example, some benefits are based on National Insurance contributions, such as Maternity Allowance, Incapacity Benefit and contributory Jobseeker's Allowance.

What if I am a national of the European Economic Area (EEA)?

If you are an EEA national, or the dependant of an EEA national, you can claim any benefits. If you claim one of the main income-related benefits (see (a) in Box A above), you will have to show that you are 'habitually resident' in the UK. If you are studying on a full-time course, you will also have to show that you are in a vulnerable category, such as a lone parent.

In theory, the European Community Student Directive requires you to be able to support yourself without recourse to social assistance. However, under current UK legislation you cannot be denied benefit on this basis.

There is an exemption from the 'habitual residence test' for migrant workers who are nationals of the European Economic Area (EEA). For more information on how the habitual residence test applies to EEA nationals, ask your institution's welfare adviser or your Students' Union Advice Service or your local Citizens' Advice Bureau or Law Centre.

How do I claim benefits?

In order to get any benefit, you need to make a claim. Most benefits are processed by part of the Department of Social Security called the Benefits Agency, which has local offices throughout the country. If you wish to claim, you should go to your local Benefits Agency, which you can find listed in the telephone directory under Social Security. As claiming procedures can be quite complicated, it's usually best to seek advice on what to do and what documentation you need to provide. You can seek advice from your institution or your Students' Union Advice Service or from any Citizens Advice Bureau or Law Centre.

What if I am a refugee?

If you have either Refugee Status or Exceptional Leave, you can claim any benefit. This means that you can not be refused any benefit on the basis of your immigration status. However, if you are studying full-time, you will not be entitled to any of the main income-related benefits listed in box A unless you are in a 'vulnerable group', such as a lone parent.

If you are an asylum seeker, you cannot be entitled to benefits. See Guidance Note *Asylum and Study*.

Can I receive health treatment from the National Health Service (NHS)?

**(a) Course lasting 6 months or more**

Whatever your nationality or immigration status, if you are on a course lasting six months or more you can get free treatment from the NHS, including free doctor's examination and hospital treatment, from the beginning of your stay. This also applies to your spouse and children under 16 (or under 19 if still at school or college). You should register with a doctor as an NHS patient and take a letter of enrolment from your college/university as proof of your student status.

If you are studying in Scotland, you can get free treatment whatever the length of your course.

**(b) Course lasting less than 6 months**

*The following does not apply to those studying in Scotland (see (a) above).* If you are on a course of less than six months, you should take out health insurance, unless you are the national of a country that has a reciprocal health agreement with the UK. However, reciprocal health agreements are limited to hospital treatment for a condition that arose during your stay in the UK, not a pre-existing condition.

Countries which have a reciprocal health care agreement with the UK are:

those in the European Economic Area, Anguilla, Australia, Barbados, British Virgin Islands, Bulgaria, Channel Islands (if staying less than 3 months), Czech and Slovak Republics, Falkland Islands, Gibraltar, Hungary, Isle of Man, Malta (up to 30 days' stay), Montserrat, New Zealand, Poland, Romania, Russian Federation, St Helena, Turks and Caicos Islands, former Soviet Union states (except Latvia, Lithuania and Estonia) and all the countries of the former Yugoslavia.

Please note that this list changes, as new arrangements are agreed or as existing agreements end.

If you are a national of an EEA country with an E128 form (obtained from your own national health authority), you and your family are entitled to treatment for all conditions (including pre-existing) on the same basis as UK residents. If you do not have an E128 form, you should contact the health authorities in your home country so that you can arrange to complete a form if you have a pre-existing condition.

Can I get free prescriptions?

You are eligible for free prescriptions automatically if:

**BOX C**

- you are under 16 or
- you are under 19 and in full-time education or
- you are pregnant or
- you have had a baby within the last 12 months

If you are not automatically entitled, you can claim for the cost of medical treatment on the basis of low income. You need to obtain a Form HC1 from a Benefits Agency office, hospital, doctor, dentist or

optician. You should complete the form and send it to the DSS for assessment. If you are eligible, you will be issued with an exemption certificate (HC2) or certificate for partial help (HC3) lasting until the start of the next academic year or, if you are in your final year of study, the exemption certificate will last until the end of your course.

Can I get free dental treatment?

You should ask your dentist if she or he is willing to give NHS treatment. If you are treated as an NHS patient, you will have to pay a minimum charge, but you may get help with the cost on the basis of low income. To apply, you need to obtain and complete form HC1, as described above.

If you are not registered with an NHS doctor you will have to pay the full cost of dental treatment as a private patient.

Those in Box C above can get free dental treatment.

What about eye treatment?

There is a minimum charge for getting your eyes tested on the NHS and you would normally have to pay for spectacles or contact lenses if you need them. Help with the cost of sight tests or glasses may be available to you on the basis of low income.

You should apply for an exemption certificate using form HC1, as described above. The optician issues a voucher, and if you are exempt you will receive a full voucher; if not, you may receive a voucher which covers some but not all of the cost. If you pay for your glasses yourself, you cannot apply for a refund afterwards, so make sure you apply on form HC1 before you pay for any treatment.

What if I am under 19 years old?

If you are under 16, or under 19 and in full-time education, you automatically get free dental treatment, vouchers for glasses and free prescriptions.

Can my children go to a free state school?

Yes, children between the ages of 5 and 16 may attend state primary and secondary schools, as long as they are here as your dependants. Children coming alone to Britain to study, without their parents, must attend private fee-paying schools unless they are EEA nationals.

Where can I get more information on benefits?

If you need more information or advice on your entitlement to benefits, the Students' Union Student Advice Service or your institution may help.

You can also get free advice from any Citizens Advice Bureau, and some Law Centres will also offer free advice if you live locally.

For further information on health, please see UKCOSA's Guidance Note *Keeping Healthy*.

#### ANY COMMENTS?

If you have found any of the information provided in this Guidance Note difficult to understand because of its wording, or you are aware that any of it needs updating, please contact UKCOSA to let us know. We will take your comments into account when the Guidance Note is next revised. You can contact us by:

1. writing to us at UKCOSA, 9-17 St Albans Place, London N1 0NX; or
2. telephoning us on 020 7226 3762; or
3. emailing us at: [gn@ukcosa.org.uk](mailto:gn@ukcosa.org.uk)

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